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**FACSIMILE COVER SHEET**

**DATE:** 8/8/2000

**TO:** **NAME:** PUBLICATIONS BRANCH  
**COMPANY:** U.S. Patent and Trademark Office  
**FAX NO:** 703-305-4372

**FROM:** **NAME:** Patricia A. Kammerer, Reg. No. 29,775  
**TEL NO:** 713-787-1438 **USER ID:** 5135

**NUMBER OF PAGES, INCLUDING COVER:** 8 **CHARGE NUMBER:** 11363.0004.NPUS00

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## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at 703-305-4372 on the date below:

August 8, 2000  
Date

Deanne L. Loebl  
Signature

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Geert Maertens  
Lieven Stuyver

Serial No.: 08/836,075

Filed: April 21, 1997

For: NEW SEQUENCES OF HEPATITIS C  
VIRUS GENOTYPES AND THEIR USE  
AS PROPHYLACTIC, THERAPEUTIC  
AND DIAGNOSTIC AGENTS

Notice of Allowance  
Date: June 9, 1999

Batch No.: U27

Group Art Unit: 1643

Examiner: M. Zeman

Atty. Dkt. No.: INNU004/KAM

**PETITION UNDER 37 C.F.R. § 1.181(a) TO  
WITHDRAW HOLDING OF ABANDONMENT**

Attn: Publications Branch  
Commissioner for Patents  
Washington, DC 20231

Sir:

Assignee Innogenetics N.V. respectfully requests withdrawal of the Notice of Abandonment dated August 1, 2000 (copy attached) with respect to the application identified above. Assignee's agent made a complete and timely response to the Notice of Allowance dated June 9, 1999 by filing a proper RULE 312 AMENDMENT & RESPONSE TO NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW PURSUANT TO NOTICE OF ALLOWANCE MAILED JUNE 9, 1999 (a copy of pages 1, 2 and 61 is attached) on August 13, 1999. The Assignee filed this Amendment to delete Figures 1-6 and insert Tables 6-10 into the text of the Specification.

On August 30, 1999, Assignee's agent received a return postcard from the Patent and Trademark Office acknowledging receipt of the Rule 312 Amendment (copy attached). It thus appears that the Publications Branch issued the Notice of Abandonment because it did not receive notification that Figures 1-6 were cancelled from the Specification, thus obviating the need for formal drawings. Accordingly, Assignee respectfully submits that the Notice of Abandonment dated August 1, 2000 for Application No. 08/836,075 was issued in error, requests that the holding of abandonment be withdrawn, requests entry of the Rule 312 amendment and requests that the patent be issued immediately.

It is believed that no petition fee is due. Should a petition fee or any other fee be required for any reason relating to this petition, the Commissioner is authorized to deduct such fees from Arnold White & Durkee Deposit Account No. 01-2508/INNU004/KAM. The Commissioner or his delegate is encouraged to contact the undersigned attorney at (713) 787-1438 should further discussions be required to resolve this matter.

Respectfully submitted,



Patricia A. Kammerer  
Reg. No. 29,775  
Attorney for Assignee  
INNOGENETICS N.V.

HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, TX 77057-2198  
(713) 787-1438

Date: August 8, 2000

INNU: 004

KAM,



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
|--------------------|-------------|-----------------------|---------------------|

08/836,075

04/22/97

MAERTENS

G

INNS: 004/KAM

PATRICIA A KAMMERER  
 ARNOLD WHITE & DURKEE  
 PO BOX 4433  
 HOUSTON TX 77210-4433

7542/0801

REC'D HOWREY SIMON ARNOLD &amp; WHITE

ZEMAN, M

ART UNIT

PAPER NUMBER

AUG 07 2000

1643

19

HOUSTON DOCKETING DEPT. DATE MAILED:

08/01/00

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
- ☐ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☒ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity) under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

DOCKETED ☒ UPDATED ☐

Previously \_\_\_\_\_ Not Required \_\_\_\_\_

Appl. Info \_\_\_\_\_

Reg./Grant Info. \_\_\_\_\_

Action Required: \_\_\_\_\_

NOT. OF ABANDONMENT

Date Due/Done: \_\_\_\_\_

By: JM Checked /

**ABANDONMENT**  
**CONTACT PERSON IS:**  
**TOM HAWKINS**  
**305-8380**

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Geert Maertens  
Lieven Stuyver

Batch No.: U27

Serial No.: 08/836,075

Filed: April 21, 1997

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AND DIAGNOSTIC AGENTS

Notice of Allowance

Date: June 9, 1999

Group Art Unit: 1643

Examiner: M. Zeman

Atty. Dkt. No.: INNU004/KAM

**CERTIFICATE OF MAILING**  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below:

*Aug 13, 1999*  
Date

*[Signature]*  
Signature

**RULE 312 AMENDMENT & RESPONSE TO NOTICE OF DRAFTSPERSON'S PATENT  
DRAWING REVIEW PURSUANT TO NOTICE OF ALLOWANCE MAILED JUNE 9, 1999**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice of Draftperson's Patent Drawing Review, Applicants hereby submit an amendment to the specification, whereby Figures 1-6 are incorporated into the specification as Tables 6-11. The Examiner indicated, in a telephone conference on June 17, 1999, that the above amendment would satisfy the requirement for formal drawings. Applicants request that this amendment be entered.

AMENDMENT

At p. 15, line 23-24, please delete "Figure 1 and 2" and insert therefor --Table 6 and 7--.

At p. 16, line 21, please delete "Figure 1" and insert therefor --Table 6--.

At p. 27, lines 21 and 29, please delete "Figures 2, 4, and 6" and insert therefor --Tables 7, 8, and 10--; and at line 27, please delete "Figure 3" and insert therefor --SEQ ID NO:1-106--.

At p. 28, line 6, please delete "Figures 2, 4, and 6" and insert therefor --Tables 7, 8, and 10--; at line 10, please delete "Figure 2" and insert therefor --Table 7--; and at line 27, please delete "Fig. 2" and insert --Table 7-- therefor.

At p. 29, line 1, please delete "figure 2" and insert therefor --Table 7--; at line 17, please delete "Figure 2" and insert therefor --Table 7--; at line 20, please delete "Fig. 2" and insert therefor --Table 7--.

At p. 30, lines 6 and 24, please delete "Figure 2" and insert therefor --Table 7--.

At p. 31, lines 10 and 27, please delete "figure 2" and insert therefor --Table 7--.

At p. 32, line 25, please delete "Figure 3" and insert therefor --SEQ ID NO:1-106--.

At p. 49, line 1, please delete "FIGURE LEGENDS" and insert therefor --TABLE CAPTIONS--; at line 2, please delete "Figure Legends" and insert therefor --Table Captions--; at line 3, please delete "Figure 1" and insert therefor --Table 6--; at line 7, please delete "Figure 2" and insert therefor --Table 7--; please delete lines 11-13; at line 14, please delete "Figure 4" and insert therefor --Table 8--; and at line 18, please delete "Figure 5" and insert therefor --Table 9--.

At p. 50, line 1, please delete "Figure 6" and insert therefor --Table 10--.

On a new page after page 63, please insert the following:

REMARKS

The Examiner is thanked for the courtesy of a telephonic interview on June 17, 1999. In the interview, the Examiner indicated that presentation of the subject matter of the Figures in the form of Tables would be an acceptable response to the Notice of Draftperson's Patent Drawing Review. The above amendment presents the subject matter of the Figures in the form of Tables. No new matter is presented. The application is thus believed to be ready for issuance.

Respectfully submitted,



Patricia A. Kammerer  
Reg. No. 29,775  
Attorney for Assignee  
INNOGENETICS N.V.

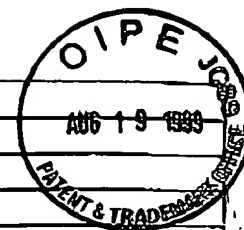
ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210-4433

Date:

August 13, 1999

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| <input checked="" type="checkbox"/> Other: Rule 312 Amendment and Response to Notice of Draftsperson's Patent Drawing Review Pursuant to Notice of Allowance Mailed June 9, 1999 |   |
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### IDENTIFICATION OF APPLICATION

|  |                     |
|--|---------------------|
| Serial No.: 08/836,075   |                     |
| Title: New Sequences of Hepatitis C Virus Genotypes and Their Use as Prophylactic, Therapeutic and Diagnostic Agents |                     |
| Applicant: Geert Maertens and Lieven Stuyver   | Attorney: KAM       |
| Client: Innogenetics N.V.  | File No.: INNU:004  |
| Mailed: 8/13/99  | Filed: Date: 9/9/99 |

By: *[Signature]*  
 Date: *8-30-99*  
 Action Required: *Not Required*  
 Reg./Grant Info: *Not Required*  
 Appl. Info: *Not Required*  
 Previously: *Not Required*  
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